

## **PLANNING COMMITTEE – 18 AUGUST 2004**

### **Report of the Chief Solicitor**

#### **MISCELLANEOUS ITEM**

#### **DISCHARGE OF SECTION 52 (S.52) AGREEMENTS RELATING TO HELE MANOR FARM, HELE**

##### **BACKGROUND**

On the 22 December 2003, planning permission was given under delegated powers as follows:-

07/2003/018 - Change of use of yard and buildings to use as workshops, stores for agricultural machinery repairs, base for mobile mechanic and display of machinery and sale of tractors at land at Hele Manor Farm, Hele.

The proposal was considered acceptable as farm diversification in accordance with Policy EC5 of the Taunton Deane Local Plan Revised Deposit.

However, it has now become apparent that in the past when policies were more restrictive, the use of the land was restricted in various ways which now conflict with the permission granted in December of last year. There are three S.52 agreements dated the 5 July 1978, 4 January 1979 and the 2 September 1982 respectively.

The owner has requested that the S.52 agreements therefore be discharged so there should be no doubt as to the authorised use.

##### **ASSESSMENT**

The permitted use was considered acceptable and in line with policy in December 2003. The requirements of the previous S.52 agreements which sought to restrict the uses on the land are no longer considered appropriate and are out of line with existing policy.

##### **RECOMMENDATION**

It is therefore RECOMMENDED that the three S.52 agreements restricting the uses at Hele Manor Farm and dated the 5 July 1978, 4 January 1979 and 2 September 1982 respectively and made in each case between Taunton Deane Borough Council (1) and P.R.Thomas and J.E.Kilford (2) be discharged.

Chief Solicitor

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